



*John T. Auberger*  
*Supervisor*

# **TOWN OF GREECE**

## **BOARD OF ZONING APPEALS**

### **MINUTES**

**AUGUST 17, 2010**

#### **General Information:**

**Work Session: 6:30 p.m.**

**Meeting: 7:00 p.m.**

#### **Roll Call:**

**Albert F. Meilutis, Chairman**

**Michelle Betters**

**Randy T. Jensen**

**William F. Murphy**

**John J. Riley**

**Christopher A. Schiano, Deputy Town Attorney**

**Ivana Frankenberger, Planning Assistant**

**Mary Jo Santoli, Secretary to the Zoning Board**

#### **Absent:**

**Diana Christodaro**

#### **Pledge of Allegiance**

**Additions/Deletions to the Agenda**

**Announcements:**

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**OLD BUSINESS:**

- 1. Applicant:** Wilma Bloss  
**Location:** 260 Arlidge Drive (a.k.a. 151 El Rancho Drive)  
**Mon. Co. Tax No.:** 075.10-8-8  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance to allow six (6) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit. Sec. 211-30 A

**Mr. Murphy offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 260 Arlidge Drive (a.k.a. 151 El Rancho Drive), as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.

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9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Absent</b>
<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried**

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**Mr. Murphy then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Wilma Bloss, 260 Arlidge Drive, Wilma Bloss appeared before the Board of Zoning Appeals at our last meeting requesting an area variance to allow six (6) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit.

WHEREAS, Regarding the application of Wilma Bloss, the findings of fact are as follows:

This parcel is located at 260 Arlidge Drive, also being known as 151 El Rancho Drive, and is approximately 102 ft. wide by 140 ft. deep. This is a corner lot, and the house is placed to the most northeasterly corner portion of the parcel, providing for about 30 ft. of rear yard, about 38 ft. of frontage on the El Rancho Drive side, and about 45 ft. of frontage on the Arlidge Drive side. The applicant, Ms. Wilma Bloss, testified that she currently has

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six dogs residing at this residence, a few of which are "rescue dogs" that she found, nurtured back to health and ultimately, has kept. The dogs currently within the residence are: "Zeus," a 22-year-old Lab/Pit mix; "Zina," a 12-year-old Pug; "Peaches," a 12-year-old Pug; "Mikey," a 12-year-old Poodle; "Bear," a 3-year-old Pug; and "Willie," a 3-year-old Terrier. All of the dogs' licenses are up to date.

The applicants allow the dogs to run within a fenced-in area to the rear of the parcel. She has testified that she cleans up the dogs' waste daily. A few of the neighbors did attend the hearing and most had the same complaint of the barking noise coming from the house. One neighbor testified that on occasion, the dogs do get loose and he assists in helping the homeowner scurry about the area to retrieve the dogs and bring them back to the residence. Animal Control Officer Brian Hondorf sent an e-mail to the staff, stating that there have been only four calls to the residence in the past two years and all were for complaints on barking.

After considering the criteria when determining an area variance, it is my opinion that there is not an undesirable change in the neighborhood in granting this variance, nor will it be a detriment to the nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue and the requested area variance, in my opinion, is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty was self-created, which consideration is relevant to the decisions of the Board, but this shall not necessarily preclude the granting of this variance.

Having reviewed all the testimony and evidence as just summarized in the findings of fact, and having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is an Unlisted action pursuant to SEQRA, with a negative declaration issued by this Board,

I move to approve this application, with the following conditions:

1. This approval is for the life of the six dogs mentioned in the findings and shall not extend to any other dogs.
2. Because there are six dogs and it's a little out of the ordinary, the applicant shall agree to send in a letter every year certifying that these six dogs are the six dogs that they have, that were approved, and just keep doing that every year until there are only three dogs left. So, every year, on September 7<sup>th</sup>, we are to have a letter stating these are the six dogs and show proof that the licenses are current for each of them.
3. That a Hold Harmless agreement be signed with the Town, in the event that one of the dogs does happen to get free and causes harm or injury to a passerby, that they do not hold the Town responsible.

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**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Absent</b>
<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried**  
**Application Approved**  
**With Conditions**

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**NEW BUSINESS:**

- 1. Applicant:** James S. Spears  
**Location:** 63 Lowden Point Road  
**Mon. Co. Tax No.:** 026.15-4-23  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance for an existing 15 ft. round, aboveground pool to be located a waterfront yard, where accessory structures, including pools, are permitted in rear yards only. Sec. 211-11 E (3)

**On a motion by Mr. Jensen and seconded by Ms. Betters, it was resolved to continue the public hearing on this application until the meeting of September 21, 2010, at the applicant's request.**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Absent</b>
<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried  
Application Continued  
Until Meeting of  
September 21, 2010**

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- 2. Applicant:** Maximillian M. & Charlene Chung  
**Location:** 21 Sara Minni Drive  
**Mon. Co. Tax No.:** 044.04-10-43  
**Zoning District:** R1-18 (Single-Family Residential)  
**Request:** An area variance for a proposed in-ground pool to be located in a side yard, where accessory structures, including pools, are permitted in rear yards only. Sec. 211-11 E (3)

**Ms. Betters offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 21 Sara Minni Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Absent</b>
<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried**

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**Ms. Betters then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Maximillian & Charlene, 21 Sara Minni Drive, Mr. and Mrs. Chung appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed in-ground pool to be located in a side yard, where accessory structures, including pools, are permitted in rear yards only.

WHEREAS, Mr. Chung stated that he lived in the home for two years, and due to a swale in his rear yard, the pool is to be placed in the side yard. The pool will be surrounded

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by a fence pursuant to code or what code requires and there will be a child safety device or alarm to prevent children and to protect their safety. If there were a leak in the pool, there is a swale to the side of an empty lot in which the water could flow, and there would be no damage to any adjacent properties. Mr. Chung has agreed that he is going to sign a Hold Harmless Agreement.

WHEREAS, after considering the five points and addressing Local Law #2 of 1990 for the Greece Swimming Pool Law, an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties, should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue and it is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. And, the alleged difficulty was self-created, which consideration is relevant to the decision of the Board but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with one condition:

1. That a Hold Harmless Agreement be signed by the applicant.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Absent</b>
<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried**  
**Application Approved**  
**With Condition**

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- 3. Applicant:** Adrienne Stewart  
**Location:** 57 Stonecliff Drive  
**Mon. Co. Tax No.:** 060.59-2-39  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance to allow four (4) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit. Sec. 211-30 A

**On a motion by Ms. Betters and seconded by Mr. Riley, it was resolved to continue the public hearing on this application until the meeting of September 7, 2010, because this request has to be re-advertised.**

**Ms. Betters  
Mr. Jensen  
Mr. Murphy**

**Yes  
Yes  
Yes**

**Ms. Christodaro  
Mr. Meilutis  
Mr. Riley**

**Absent  
Yes  
Yes**

**Motion Carried  
Application Continued  
Until Meeting of  
September 7, 2010**

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- 4. Applicant:** Catherine C. Smith  
**Location:** 159 Post Avenue  
**Mon. Co. Tax No.:** 033.04-2-8  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** A Special Use Permit for a proposed in-law apartment. Sec. 211-11 C (2) (e)

**Mr. Murphy offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 159 Post Avenue, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.

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10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

**Seconded by Mr. Riley and duly put to a vote, which resulted as follows:**

**Ms. Betters**  
**Mr. Jensen**  
**Mr. Murphy**

**Yes**  
**Yes**  
**Yes**

**Ms. Christodaro**  
**Mr. Meilutis**  
**Mr. Riley**

**Absent**  
**Yes**  
**Yes**

**Motion Carried**

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**Mr. Murphy then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Catherine C. Smith, 159 Post Avenue, Tom and Catherine Smith appeared before the Board this evening requesting a Special Use Permit for a proposed in-law apartment.

WHEREAS, they stated that they have lived at the current residence, 159 Post Avenue, for the past twelve years. They are constructing this in-law apartment for Catherine's mother; the size of the apartment will be 592 sq. ft. They will have very little, if any, construction, down to the existing primary structure; if anything, just to the breezeway. They also stated that the utilities will not be separate, that it will be all one, for one residence. The in-law apartment does have a separate egress and ingress to the rear deck and to a breezeway that enters into the existing home. The exterior of the in-law will match the existing exterior of the house, and they are aware that they cannot rent this in-law once no one is living there. They stated that they have three vehicles that will be in the driveway; one of the vehicles will be parked in the garage.

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WHEREAS, the standards for a Special Use Permit:

1. Access to the site and the size of the site are adequate for the proposed use. They stated that the in-law apartment is going to be 592 sq. ft., which it is less than 600 sq. ft., the maximum permitted.
2. The proposed use will not adversely affect the orderly pattern of development in the area. This is a primarily a neighborhood with a two-lane highway and this in-law apartment will be part of the residence.
3. The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
4. The proposed use will not create a hazard to health, safety or the general welfare.
5. The proposed use will not be detrimental to the flow of traffic in the vicinity. They have three vehicles, and being a two-lane highway, there should not be any traffic flow problems.
6. The proposed use will not place an excessive burden on public improvements, facilities, services or utilities. They have just one utility service.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial;

THEREFORE, I move to approve this application with the following conditions:

1. That this in-law apartment will only be used for this specific purpose of the mother.
2. The in-law apartment cannot be rented out and cannot be sold as a multiple dwelling or as an in-law apartment.

**Seconded by Ms. Betters and duly put to a vote, which resulted as follows:**

**Ms. Betters**  
**Mr. Jensen**  
**Mr. Murphy**

**Yes**  
**Yes**  
**Yes**

**Ms. Christodaro**  
**Mr. Meilutis**  
**Mr. Riley**

**Absent**  
**Yes**  
**Yes**

**Motion Carried**  
**Application Approved**  
**With Conditions**

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- 5. Applicant:** Jeffrey F. Reeves  
**Location:** 328 Lowden Point Road  
**Mon. Co. Tax No.:** 026.18-1-22  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:**
- a) An area variance for a proposed accessory structure (detached garage) to have an overall height of 20.4 ft., instead of the 17.0 ft. maximum permitted. Sec. 211-11 E (1), Table I
  - b) An area variance for a proposed detached garage (32.0 ft. x 48.0 ft.; 1334 sq. ft.), resulting in a total gross floor area of 1686 sq. ft. for all existing and proposed accessory structures and attached garages, where 1000 sq. ft. is the maximum gross floor area permitted for lots 16,000 sq. ft. to one acre in area. Sec. 211-11 E (1), Table I
  - c) An area variance for total gross floor area of proposed accessory structures and existing attached garage on the premises (1686 sq. ft.) exceeding the total area of the principal structure (1440 sq. ft.) on the premises. Sec. 211-11 E (1), Table I

**On a motion by Mr. Meilutis and seconded by Mr. Murphy, it was resolved to continue the public hearing on this application until the meeting of September 21, 2010, in order to give the applicant time to think about if there are any other options for him to consider, and to re-advertise this application.**

**Ms. Betters  
Mr. Jensen  
Mr. Murphy**

**Yes  
Yes  
Yes**

**Ms. Christodaro  
Mr. Meilutis  
Mr. Riley**

**Absent  
Yes  
Yes**

**Motion Carried  
Application Continued  
Until Meeting of  
September 21, 2010**

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- 6. Applicant:** Peter & Karen Pasicznyk  
**Location:** 21 Olivia Circle  
**Mon. Co. Tax No.:** 073.02-3-19  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance for a proposed shed (8.0 ft. x 10.0 ft.; 80.0 sq. ft.) to be located in a front yard, where accessory structures, including sheds, are permitted in rear yards only. Sec. 211-11 D (3)

**Mr. Riley offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 21 Olivia Circle, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Absent</b>
<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried**

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**Mr. Riley then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Peter and Karen Pasicznyk, 21 Olivia Circle, Mr. and Mrs. Pasicznyk appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed shed (8.0 ft. x 10.0 ft.; 80.0 sq. ft.) to be located in a front yard, where accessory structures, including sheds, are permitted in rear yards only.

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WHEREAS, the applicants testified before the Board this evening that they purchased the home at 21 Olivia Circle approximately six weeks ago. They also stated that they have a boat which they store in their garage and it is necessitating the immediate need for a shed in which to store their riding lawn mower. Twenty-one Olivia Circle is an irregular lot, a curvilinear lot. An attempt to place this shed in their rear yard and conform to the zoning regulations of the neighborhood would be virtually impossible due to this lot's irregularities and would likely trigger setback variance requests. The applicants testified that they intend to place the proposed shed on a crushed stone base and they further testified that the exterior of the shed will aesthetically match the exterior of their home.

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties, should this variance be granted. In looking at the overhead map of the neighborhood, there are several similar-sized structures scattered throughout this neighborhood. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. It is further my opinion that the requested area variance is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. And, the alleged difficulty was not self-created.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions:

1. That this approval is for the life of the shed.
2. And that, partially for aesthetic purposes, the Town staff will assist the homeowner with the final placement of the shed upon issuance of a permit from the Building Department. Staff should make sure the placement of the shed is not to exceed the plane of Number 11 Olivia Circle. The setback should not be any less than the front setback of 11 Olivia Circle.

**Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:**

**Ms. Betters**  
**Mr. Jensen**  
**Mr. Murphy**

**Yes**  
**Yes**  
**Yes**

**Ms. Christodaro**  
**Mr. Meilutis**  
**Mr. Riley**

**Absent**  
**Yes**  
**Yes**

**Motion Carried**  
**Application Approved**  
**With Conditions**

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- 7. Applicant:** Christine A. Casey  
**Location:** 117 Rae Drive  
**Mon. Co. Tax No.:** 074.07-10-13  
**Zoning District:** R1-E (Single-Family Residential)  
**Request:** An area variance for an existing pool deck (16.6 ft. x 16.4 ft.; 270.6 sq. ft.) to have a (north) side setback of 3.8 ft., instead of the 7.6 ft. minimum required. Sec. 211-11 E (1), Table I

**Mr. Jensen offered the following resolution and moved for its adoption:**

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 117 Rae Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

**Seconded by Ms. Betters and duly put to a vote, which resulted as follows:**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Absent</b>
<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried**

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**Mr. Jensen then offered the following resolution and moved its adoption:**

WHEREAS, with regard to the application of Christine Casey, 117 Rae Drive, Mr. and Mrs. Casey appeared before the Board of Zoning Appeals this evening requesting an area variance for an existing pool deck (16.6 ft. x 16.4 ft.; 270.6 sq. ft.) to have a (north) side setback of 3.8 ft., instead of the 7.6 ft. minimum required.

WHEREAS, the applicants have testified that they have lived at the residence for four years and they have decided to put a deck along an above-ground pool. The applicant



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testified that he has been working with the Town staff to make the deck meet all codes. During this process he has had to do some re-dos with making the posts closer than 9 ft. to 8 ft. The deck is almost complete; the only thing left is the railing around the deck. The applicant also stated that if we asked them to move it away from the fence, it would be a tremendous financial hardship for them to move it. Also, the applicants did state that they would sign a Hold Harmless clause with the Town regarding the pool and not to hold the Town liable. The applicants also stated that they do have a fenced-in yard and that nowhere will this ever be attached to the house. One of the key points about this residence is that the yard is fenced in and there are also trees and shrubbery along the fence line to give it some type of privacy.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions:

1. That this approval is for the life of the deck.
2. And also that the applicant sign a Hold Harmless with the Town.

**Seconded by Ms. Betters and duly put to a vote, which resulted as follows:**

**Ms. Betters**  
**Mr. Jensen**  
**Mr. Murphy**

**Yes**  
**Yes**  
**Yes**

**Ms. Christodaro**  
**Mr. Meilutis**  
**Mr. Riley**

**Absent**  
**Yes**  
**Yes**

**Motion Carried**  
**Application Approved**  
**With Conditions**

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- 8. Applicant:** David Carter  
**Location:** 3029 Ridgeway Avenue  
**Mon. Co. Tax No.:** 088.03-1-9  
**Zoning District:** R1-18 (Single-Family Residential)  
**Request:** An area variance for a proposed attached garage (approximately 1016 sq. ft.), resulting in a total gross floor area of 1608 sq. ft. for all existing and proposed accessory structures and attached garages, where 1250 sq. ft. is the maximum gross floor area permitted for lots over one acre in area. Sec. 211-11 E (1), Table I

**On a motion by Mr. Murphy and seconded by Mr. Riley, it was resolved to continue the public hearing on this application until the meeting of September 7, 2010 because this application has to be re-advertised.**

<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Absent</b>
<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>

**Motion Carried  
Application Continued  
Until Meeting of  
September 7, 2010**

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**MODIFICATION TO NEIGHBORHOOD NOTIFICATION:**

- 1. Applicant:** PetSmart  
**Location:** 3042 West Ridge Road  
**Mon. Co. Tax No.:** 074.01-1-4.1  
**Zoning District:** BG (General Business)  
**Request:** An area variance for a proposed second building-mounted sign (1.2 ft x 10.0 ft; 12.5 sq. ft), with a sign area of 12.5 sq. ft., instead of the one 135.0 sq. ft. building-mounted sign permitted. Sec. 211-52 B (2)(a)[1] & 211-52 B(2)(c)[1], Table VII

The applicant for the request by PetSmart has requested a modification to the neighborhood notification requirements, to reduce the number of property owners to be notified. The basis for this request is the large size of the subject parcel and the many properties that would be included in the notification but are not near the subject of the variances.

**On a motion by Mr. Jensen and seconded by Ms. Betters, it was resolved to amend the Neighborhood Notification for the application by PetSmart, relying on the Town staff's judgment for fulfillment of the zoning ordinance intent for adequate neighborhood notification, which should be just the parcels across from the proposed project location and elsewhere applicable, which would be parcels on West Ridge Road; these are the parcels that potentially would be most affected by the proposed variance.**

<b>Vote:</b>	<b>Ms. Betters</b>	<b>Yes</b>	<b>Ms. Christodaro</b>	<b>Absent</b>
	<b>Mr. Jensen</b>	<b>Yes</b>	<b>Mr. Meilutis</b>	<b>Yes</b>
	<b>Mr. Murphy</b>	<b>Yes</b>	<b>Mr. Riley</b>	<b>Yes</b>
			<b>Motion Carried</b>	
			<b>Request Granted</b>	

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**ADJOURNMENT**

The meeting was adjourned at 8:35 p.m.

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

**Dated:** \_\_\_\_\_  
Albert F. Meilutis, Chairman

J:\ZoningBoard\Minutes\2010 Minutes\Minutes Aug 17 10.doc